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JC860 U.S. PTO

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## APPLICATION FOR U.S. PATENT TRANSMITTAL FORM

Attorney Docket No. PHLY-25,337

Assistant Commissioner  
for Patents  
Washington, D. C. 20231

09/09/00 09/09/00 PRO  
06/23/00

Sir:

Transmitted herewith for filing is the patent application of:

Inventor(s): Jeffry Jovan Philyaw

For: CONTROLLING A PC USING A TONE  
FROM A CELLULAR TELEPHONE

Enclosed are:

16 sheet(s) of informal drawings.

Declaration and Power of Attorney

Statement Claiming Small Entity Status -- Small Business Concern

FEE CALCULATION					FEE
	No.		No. Extra	Rate	Basic Fee \$345.00
Total Claims	20	- 20 =	0	X \$ 9	\$00.00
Independent Claims	3	- 3 =	0	X \$ 39	\$00.00
Total Filing Fee					\$00.00
Assignment Recording Fee					\$00.00
TOTAL FEES					\$345.00

Please direct all correspondence in this matter to: Gregory M. Howison, HOWISON, CHAUZA,  
HANDLEY & ARNOTT, L.L.P., P.O. Box 741715, Dallas, Texas 75374-1715, Phone: 972/479-0462.

6/23/00  
Date

*John J Arnott*  
Attorney for Applicant  
Registration No. 39,095

RHCK/TRANSMIT.SML

**STATEMENT CLAIMING SMALL ENTITY STATUS --**  
**SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern identified below and am empowered to act on behalf of the concern:

DigitalConvergence.:Com Inc.  
9101 N. Central Expressway, Suite 600  
Dallas, Texas 75231

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees, in that (1) the number of employees of the concern including those of its affiliates, does not exceed 500 persons, and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the below-identified invention to any person who could not be classified as an independent inventor if the person had made the invention, or to any concern which would not qualify as a small business concern or as a nonprofit organization. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**CONTROLLING A PC USING A TONE FROM A CELLULAR TELEPHONE**

and for which application for Letters Patent of the United States is to be filed of even date herewith by inventor(s), Jeffry Jovan Philyaw.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.29 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issuing thereon.

DigitalConvergence.:Com Inc.

By: \_\_\_\_\_  
Jeffry Jovan Philyaw

Its: Chief Executive Officer \_\_\_\_\_

Date: \_\_\_\_\_